

### **REMARKS**

Claims 1-13 are pending in the present application. Claim 1 is independent. Reconsideration and allowance of the application is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-4, 12 and 13 are rejected under 35 U.S.C. § 102 as being anticipated by Chheda et al. (hereinafter “Chheda”), U.S. Patent 6,038,448. The rejection is respectfully traversed.

Applicants submit that Chheda fails to disclose or suggest a method of processing soft handoff information at a base station, comprising, at least, “applying a rules set to the soft handoff information to determine changes in the active list, the rules set requiring more stringent conditions be met to add a base station to the active list when the active list includes a first number of base stations as compared to when the active list includes a second number of base stations, the first number being greater than the second number”, as recited in claim 1.

Instead, Chheda merely discloses a mobile unit that notifies the mobile switching center (MSC) of measure strength of received pilot signals. The mobile switching center determines whether to establish or remove a connection between the mobile unit and one or more of the plurality of base stations 104, 106, 108 and 110 based upon relative strengths of the pilot signals. Accordingly, the mobile unit notifies the mobile switching center of the strength of received pilot signal based upon a comparison of the strengths of the pilot signals to message triggering thresholds previously received from the mobile switching center (col. 4, lines 8-19). In other words, Chheda fails to teach or suggest “the rules set requiring more stringent conditions be met to add a base station to the active list

when the active list includes a first number of base stations as compared to when the active list includes a second number of base stations, the first number being greater than the second number”. Accordingly, Chheda uses differences in pilot signal strength to set a threshold, rather than a rule set requiring more stringent conditions.

The Examiner further alleges that Chheda discloses stringent conditions when  $D3 = 5\text{dB}$ ,  $D4\text{-}D6 = 2\text{dB}$ , and the less stringent threshold  $D2 = 100\text{dB}$ . However, the thresholds of Chheda are not added to an ‘active list’, but rather, determines the number of elements in the set of pilot signal strengths is great than or equal to the corresponding threshold (e.g., 2dB, 5dB or 100dB), and compares the threshold to the absolute value of the difference in magnitude between the two strongest pilot signals P1 and P2 (col. 15, lines 31-35).

Further, Chheda discloses comparing the strength of a respective pilot signal to the threshold to determine whether to initiate a connection to a particular base station, rather than the comparing of the active list of a first number of base station and the active list of a second number of base stations as taught in Applicant’s invention.

Because Chheda fails to disclose each and every feature of the claimed invention, it cannot provide a basis for a rejection under 35 U.S.C. §102. Withdrawal of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C §103(a)**

Claims 5-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chheda. The rejection is respectfully traversed.

The Examiner alleges that “it would have been obvious to one of ordinary skill in the art at the time of the invention to move a potential base station from the potential list to

the active list when the active list contains two or more base stations and the potential base station has a signal strength greater than a second threshold, the second threshold being greater than the first threshold (T-ADD) in order to have additional criteria with which to judge the potential base station". It is respectfully submitted that the mere fact that the reference of Chheda can be modified as suggest by the Examiner is not sufficient by itself to establish a *prima facie* case for obviousness. The Examiner's motivation is not particularly clear, rather, it is a broad conclusory statement about the teachings of the reference, and is not evidenced. In fact, the alleged modification of Chheda as suggested by the Examiner will change the principle of operation of the prior art (e.g., requiring more power to the signal and/or processing requirement). Thus, the Examiner has failed to provide a *prima facie* case for obviousness, and thus the rejection should be withdrawn.

For at least these reasons, Applicants respectfully submit that Chheda fails to disclose or render obvious the features recited in independent claim 1. Claims 2-13, which depend from independent claim 1 are likewise distinguished over the applied art at least for the reasons discussed as well as for the additional features they recite. Reconsideration and withdrawal of the rejection is respectfully requested.

### **CONCLUSION**

Reconsideration of the rejections and allowance of each of claims 1-13 is earnestly solicited.

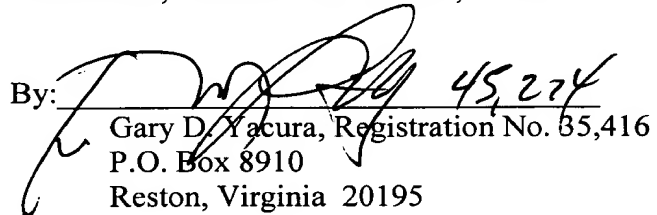
In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Gary Yacura at (703) 668-8023 to discuss the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

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